

Headquarters, V Corps  
Unit 29355  
APO AE 09014

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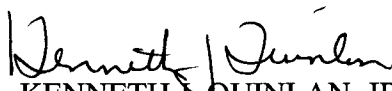
## Legal Services

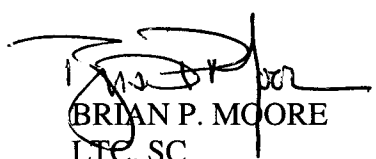
## Military Justice

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FOR THE COMMANDER:

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**Summary.** This regulation provides guidance on the administration of Military Justice.

**Applicability.** This regulation applies to all V Corps units and personnel involved in the administration of Military Justice.

**Supplementation.** Supplementation of this regulation is prohibited without prior approval from HQ, V Corps, Unit 29355, ATTN: AETV-JA-MJ, APO AE 09014.

**Suggested Improvements.** The proponent agency for this regulation is the SJA, V Corps. Users are invited to send comments on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ, V Corps, Unit 29355, ATTN: AETV-JA-MJ, APO AE 09014.

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\*This regulation supersedes V Corps Supplement 1 to USAREUR Regulation 27-10, dated 4 March 1994.

## **1. PURPOSES AND APPLICABILITY.**

This regulation prescribes instructions, policies, and procedures governing the administration of military justice in units and activities under the general court-martial jurisdiction of the Commander, V Corps. Under the area jurisdiction concept, the Commander, V Corps, is the General Court-Martial Convening Authority (GCMCA) for all soldiers assigned to units placed under his authority by USAREUR Regulation 27-10 and the Area Jurisdiction Revision Memorandum, dated May 10, 2001 and signed by the USAREUR Judge Advocate.

**2. REFERENCES.** Required and related publications are listed in Appendix A.

## **3. SIGNATURE AUTHORITY.**

The Staff Judge Advocate, the Deputy Staff Judge Advocate, the Chief, Military Justice Division, the Legal Administrator, the Chief Legal Noncommissioned Officer, and the NCOIC, Military Justice Division are authorized to authenticate and sign all documents pertaining to military justice, including, but not limited to, referral of court-martial charges, disposition of court-martial charges, court-martial orders and notification of intention to place a soldier on involuntary excess leave. This delegation does not include the authority to sign actions that are non-delegable such as referral of court-martial charges of initial or final actions.

## **4. LEGAL PERSONNEL AND BRANCH OFFICES.**

a. The V Corps Staff Judge Advocate will exercise technical oversight over all JAG Corps personnel (officers, enlisted soldiers, and civilians employees) assigned within the V Corps General Court-Martial Convening Authority area of jurisdiction. The V Corps Staff Judge Advocate is responsible for directing the assignment of all legal NCOs and specialists with an MOS of 27D (formerly 71D) assigned to V Corps non-divisional units regardless of their location.

b. Branch offices of the V Corps Staff Judge Advocate provide legal services for the communities in which they are located. The V Corps Staff Judge Advocate will retain administrative control over JAG Corps personnel in the branch offices. At a minimum, administrative control includes assignments, reassignments, evaluation reports, awards, leave, temporary duty, legal training, and administrative absences.

c. All MOS 27D legal NCOs and specialists assigned to units supported by a V Corps Office of the Staff Judge Advocate branch office will be attached for duty to the servicing branch office unless the V Corps Staff Judge Advocate concurs in another operational arrangement. Unless the V Corps Staff Judge Advocate directs otherwise, those legal NCOs and specialists will be under the daily operational control of the branch office officer-in-charge.

## **5. LIMITATION OF THE EXERCISE OF JURISDICTION.**

a. General Courts-Martial and Special Courts-Martial empowered to adjudge a Bad Conduct Discharge. Only the Commander, V Corps will convene general courts-martial and special courts-martial empowered to adjudge a bad conduct discharge.

b. Appendix B of this supplement designates special court-martial convening authorities and their areas of jurisdiction. Appendix B also designates summary court-martial convening authorities and aligns units under both summary and special court-martial authorities. Each special court-martial convening authority will ensure that a chain-of-command exists for Article 15s and court-martial authority for each unit within their jurisdiction. Special court-martial convening authorities may realign subordinate units after coordination with their legal branch office. In areas where there is more than one special court-martial convening authority, all special court-martial convening authorities must concur or the matter will be referred to the general court-martial convening authority. Special court-martial convening authorities will provide to the Commander, V Corps, ATTN: AETV-JA-MJ, directives implementing their jurisdictional arrangements.

c. Each commander who is a special court-martial convening authority may publish orders to attach a unit for the administration of military justice based on the unit's assignment and stationing within the convening authorities special court-martial jurisdiction.

d. Commanders may request that soldiers in elements of units smaller than a company be excepted from area special court-martial jurisdiction where parent and subordinate units are both within the V Corps area of general court-martial jurisdiction. Requests for exception, including a factual justification, will be submitted through the summary and special court-martial convening authorities to the Commander, V Corps, ATTN: AETV-JA-MJ, APO AE 09014.

e. Nonjudicial Punishment (Article 15, Uniform Code of Military Justice).

### **(1) Officers/Warrant Officers.**

(A) The Commander, V Corps, has reserved the authority to impose punishment under Article 15, UCMJ, on officers and warrant officers within the V Corps general court-martial convening authority area jurisdiction. Commanders will forward a request for nonjudicial punishment through the military justice chain-of-command to the Commander, V Corps, ATTN: AETV-JA-MJ, APO AE 09014. This request will contain supporting evidence, the results of any informal investigation, and copies of the soldier's officer records brief. This request will not include any recommendation concerning the type or severity of punishment.

(B) Commanders will immediately inform their servicing judge advocate and the V Corps Staff Judge Advocate of any incident where there is evidence of misconduct by an officer or warrant officer. Prior to taking any action involving an officer or warrant officer, the commander will inform the Commander, V Corps, ATTN: AETV-JA-MJ, in writing, of the intended action and the basis for it. This is a personal responsibility of the commander.

(2) Enlisted Soldiers.

(A) A commander will not impose nonjudicial punishment against soldiers of subordinate units which are not stationed within the V Corps general court-martial convening authority area jurisdiction. Only the Commander, V Corps, in coordination with the other general court-martial convening authority concerned, is authorized to grant exceptions. Requests for exceptions will not routinely be granted. Requests will be addressed to the Commander, V Corps, ATTN: AETV-JA-MJ, APO AE 09014.

(3) Drunk Driving.

(A) The Commander, V Corps, has reserved to the special court-martial convening authorities the authority to impose nonjudicial punishment for drunk driving offenses involving soldiers in the ranks of SFC and above.

(B) The Commander, V Corps, has reserved to the summary court-martial convening authorities the authority to impose nonjudicial punishment for drunk driving offenses involving soldiers in the ranks of SSG and below.

(C) In addition, AR 190-5 requires a general officer memorandum of reprimand to be issued to offenders who are officers or noncommissioned officers, including corporals. Unit commanders remain responsible for ensuring timely compliance with this requirement.

**6 GENERAL OFFICER MEMORANDA OF REPRIMAND.**

a. A General Officer Memorandum of Reprimand (GOMOR) will be initiated for all soldiers in V Corps units if they are convicted of drunk driving, refuse to take a blood alcohol or other chemical test when there is evidence of drunk driving, or take a blood alcohol or other chemical test that results in a BAC of .10% or higher, indicating that the soldier was driving drunk. A finding of guilty in Article 15 proceedings constitutes a conviction for purposes of this paragraph.

b. The branch offices are responsible for monitoring MP blotters and preparing GOMORS for soldiers in V Corps units. The Military Justice Division is responsible for initiating and tracking GOMORS.

c. A copy of a GOMOR imposed by the Commander, V Corps will be sent through the chain of command to the soldier for acknowledgment and the opportunity to comment in accordance with AR 600-37. The soldier's acknowledgment and statement, if any, will be returned within seven calendar days through the chain of command to Commander, V Corps, ATTN: AETV-JA-MJ, APO AE 09014, for submission to the Commanding General for his filing determination. The chain of command is required to recommend whether the GOMOR should be filed in the MPRJ or OMPF, or not filed.

d. Units will ensure expeditious processing of GOMORS in cases where the soldier has departed the command prior to the filing determination, the responsible Legal Support Center or commander will forward the GOMOR to the soldier through the gaining commander, explaining the soldier's right to submit matters in his behalf and requesting the commander's recommendation for filing.

## **7 PRETRIAL RESTRAINT.**

Commanders will notify their servicing judge advocate before imposing any pretrial restriction (as defined in Rule for Court-Martial 304(a)) upon a soldier. Where circumstances require a commander to immediately act, the commander will inform the trial counsel within twenty-four (24) hours.

## **8 PRETRIAL CONFINEMENT.**

a. Approval of Pretrial Confinement. No soldier will be placed in pretrial confinement without prior approval of the Commander, V Corps. Authority to approve pretrial confinement is delegated to the V Corps Staff Judge Advocate or, in his absence, the Acting Staff Judge Advocate. Requests for approval will be made to the V Corps Staff Judge Advocate only by a Special Court-Martial Convening Authority or by the servicing judge advocate.

b. The unit commander will ensure that each soldier to be placed in pretrial confinement possesses all items of individual clothing and equipment required by the confinement facility. (See Appendix D). The unit commander will also prepare, with the assistance of his servicing judge advocate, all necessary pretrial confinement paperwork. (See Appendix E).

## **9 INVESTIGATING, PREPARING, AND PROCESSING CHARGES.**

a. The prompt and fair administration of military justice is a command responsibility. When a commander has probable cause to believe that a crime has been committed, believes that the evidence warrants charges, and believes that the soldier should be tried by court-martial, the commander will consult the servicing judge advocate and promptly prefer charges. The processing goals at APPENDIX F provide incremental processing times that facilitate prompt processing of court-martial charges. Appendix C is a "unit Commander's Request for Legal Action" that should be completed in every case.

b. Charges will be forwarded by endorsement within one (1) duty day of preferral to the next higher authority. Within one (1) duty day of receipt, the Summary Court-Martial Convening Authority will either dismiss the charges, refer them to a trial by Summary Court-Martial, or forward the case to the Special Court-Martial Convening Authority. Within one (1) duty day, the Special Court-Martial Convening Authority will either dismiss the charges, refer the charges to a trial by Special Court-Martial, direct an Article 32(b), UCMJ, investigation, or forward the charges to the General Court-Martial Convening Authority for further disposition. Forwarding endorsements, with recommendations, will be personally signed by the commander or acting commander. Dating all documents is crucial in processing judicial actions. Forwarding endorsements will also explain delays in meeting these processing time standards.

c. If an Article 32(b), UCMJ, investigation is required, the Special Court-Martial Convening Authority will appoint an investigating officer within one (1) duty day of preferral. The Special Court-Martial Convening Authority's appointment memorandum will inform the investigating officer that he/she must schedule the investigation within

three (3) days of the appointment. The appointment memorandum will also notify the investigating officer that he/she is authorized to grant up to seven (7) days delay. The Special Court-Martial Convening Authority must personally act upon further delay requests. All delay requests and approvals/disapprovals must be in writing. Once the investigation is complete, the investigating officer has three (3) days in which to forward the completed report to the Special Court-Martial Convening Authority. If disposition is at the General Court-Martial Convening Authority's level, the Special Court-Martial Convening Authority will forward the investigating officer's report and a recommendation to the Commander, V Corps, ATTN: AETV-JA-MJ, APO AE 09014, within one (1) duty day of receipt.

d. All convening authorities must ensure that Special Courts-Martial and Summary Courts-Martial records of trial are promptly and accurately completed, that action is taken without delay, that the promulgating order in a Special Court-Martial is published immediately after action is taken, and that the record is promptly forwarded to Headquarters, V Corps, ATTN: AETV-JA-MJ, APO AE 09014. Failure to comply with processing time standards in this supplement does not confer any benefit or right to an accused soldier and are not to be construed as part of an accused soldier's right to a speedy trial.

e. Superior commanders will in no way influence subordinate commanders in disposing of charges or making recommendations as to the disposition of charges.

## **10 GRANTS OF IMMUNITY.**

a. Only the General Court-Martial Convening Authority may issue a grant of immunity. No request for immunity will be made without coordination with the Staff Judge Advocate.

b. Commanders and investigative agencies will not make commitments or promises of favorable action that may give the appearance of a grant of immunity.

## **11 PRESENCE OF ACCUSED.**

a. Flagging of Accused. Unit commanders will initiate flagging actions on accused soldiers in accordance with Army Regulation 600-8-2. Soldiers pending German criminal charges will also be flagged. For soldiers pending German criminal charges, unit commanders will enter the following statement in the remarks section of the flag: "Individual is not permitted to leave Germany for any reason without coordination with the International Law Division of the Office of the Staff Judge Advocate, V Corps."

b. A soldier may be retained beyond his ETS when a criminal investigation has been initiated with a view toward court-martial, charges have been preferred, or the soldier has been apprehended, arrested, confined, or otherwise restricted. The approval of the General Court-Martial Convening Authority is required to hold an accused more than thirty (30) days past the expiration term of service. Commanders will contact their servicing judge advocate when an accused is approaching his/her expiration term of service.

## **12 PRETRIAL INVESTIGATION, ARTICLE 32(b), UCMJ.**

a. In accordance with Rule for Court-Martial 405, special court-martial convening authorities will appoint experienced, mature officers as Article 32 investigating officers. The investigating officer should be in the rank of major or higher.

b. Completion of an Article 32(b) investigation is the primary duty of the investigating officer. No other additional duty will be assigned while the investigation continues. The investigating officer will contact the appointed legal advisor and receive a legal briefing within twenty-four (24) hours of notification. The investigating officer will schedule the hearing within three (3) days of notification, and has the authority to grant up to seven (7) days delay from the date of the original hearing. Further requests for delay must be acted upon by the special court-martial convening authority. Finally, the investigating officer will forward the completed report of investigation, DD Form 457, Investigating Officer's Report, with enclosures, and a chronology of the investigation from receipt of file to submission of the report, to the special court-martial convening authority within three (3) days after the proceedings have closed.

c. The Staff Judge Advocate, V Corps, is delegated the authority to approve compensation for civilian witnesses and interpreters to testify or participate in an Article 32(b) hearing. Approval must be obtained prior to the hearing.

## **13 POST-TRIAL CONFINEMENT.**

a. To avoid delays, the accused's company commander will plan for the possibility of confinement whenever a case is referred to a court-martial.

b. A military prisoner may be kept in the detention cell for up to 72 hours after confinement is adjudged. The soldier's unit will inventory his property, supply him with the required clothing issue, and escort him to the Mannheim Confinement Facility or other confinement facility as designated. The escort must be an NCO senior in rank to an enlisted accused. Commanders should coordinate with the Military Justice Division regarding proper escorts and guards in cases involving the court-martial of an officer.

c. Prisoners may not be accepted by the Mannheim Confinement Facility if they do not have the correct documentation and clothing issue. Because of critical time constraints, commanders are authorized to obtain personnel documents prior to trials in which a sentence of confinement may be adjudged and imposed. Specifically, commanders should obtain medical records, 201 files, and conduct necessary inventories prior to trial. APPENDIX D contains an inventory of items that must accompany post-trial prisoners to the Mannheim Confinement Facility.

## **14 VICTIM / WITNESS ASSISTANCE PROGRAM.**

All branch legal offices will ensure that an active Victim Witness Program is in place in their areas of concern. Procedures are outlined in AR 27-10 as well as USAREUR 27-10. A Victim Witness Liaison officer must be identified in accordance with the regulation and all notifications and reports must be promptly and accurately accomplished. The Chief, Military Justice, V Corps is the officer responsible for

administrative oversight of this program throughout the V Corps area court-martial jurisdiction.

## **15. TRIAL DEFENSE SERVICES (TDS).**

a. Article 15, UCMJ, counseling. Every soldier offered non-judicial punishment under Article 15, UCMJ (other than Summarized Proceedings), has the right to consult with an attorney. If this right is freely and voluntarily waived, consultation is not mandatory.

(1) Article 15 counseling normally will be offered on specific days and times. The unit should call the local TDS office as soon as the need for counseling becomes known to schedule an appointment. Soldiers normally will be seen within two days of contacting the TDS office.

(2) Soldiers should report to the TDS Office at the appointed time. Soldiers should have one legible copy of the Article 15 (DA Form 2627) and all available evidence that supports the Article 15. Commanders are responsible for providing the soldier as much evidence as is reasonably available and, at a minimum, sufficient evidence to inform the attorney and soldier of the nature and source of evidence supporting the action. Soldiers appearing without the Article 15 (DA Form 2627) or available supporting evidence will not be counseled. If the soldier cannot be counseled for these reasons, the right to consult with counsel is not waived. Counseling will take place at the next available appointment after the missing documents are obtained.

(3) Soldiers undergoing Summarized Article 15 proceedings (DA Form 2627-1) do not have the right to consult with counsel. Fact sheets on the rights and procedures applicable to Summarized Article 15 proceedings are available in the TDS office.

b. Administrative eliminations.

(1) Chapters 5, 9, 13, 14, 15, and 18, AR 635-200, provide every soldier the right to be counseled by, and in some cases, represented by a lawyer or trial defense counsel. Consultation for soldiers pending administrative elimination will also be on specific days. To schedule an appointment, the unit should contact their local TDS office as soon as possible after the administrative elimination action is served upon the soldier.

(2) Soldiers reporting for consultation should have the complete elimination packet with them, to include all supporting documentation (i.e., Articles 15, counseling statements, MP Reports, etc.). The prerequisite medical and psychiatric reports will also be included in the packet. Soldiers appearing without the complete packet, supporting evidence, or medical or psychiatric reports, will not be counseled. If the soldier cannot be counseled for these reasons, the right to consult with counsel is not thereby waived. Counseling will take place at the next available appointment after the missing documents are obtained.

## **16. REQUIRED REPORTS.**

Subordinate legal offices or legal support centers must report monthly to the Military Justice Division, OSJA, V Corps, all judicial and disciplinary activity within their units, using DA Form 3169-R (AR 27-10).

## **APPENDICES**

- A. References
  - B. V Corps Area Court Martial Jurisdiction
  - C. Request for Legal Action (HQ AESE Form 27-10B)
  - D. Pretrial and Post-Trial Confinement Checklists
  - E. Pretrial Confinement Procedures
  - F. Court-martial Processing Time Goals
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## **APPENDIX A**

### **REFERENCES**

#### **REQUIRED PUBLICATIONS**

MANUAL FOR COURTS-MARTIAL (W/UCMJ)

AR 27-10, LEGAL SERVICES: MILITARY JUSTICE

AR 190-5, MILITARY POLICE: MOTOR VEHICLE TRAFFIC SUPERVISION

AR 600-37, PERSONNEL-GENERAL: UNFAVORABLE INFORMATION

AR 635-200, PERSONNEL SEPARATIONS: ENLISTED PERSONNEL

USAREUR REG 27-10, LEGAL SERVICES: MILITARY JUSTICE

USAREUR REG 190-1, REGISTERING AND OPERATING PRIVATELY OWNED  
MOTOR VEHICLES IN GERMANY

USAREUR REG 190-47, THE UNITED STATES ARMY CONFINEMENT SYSTEM  
IN USAREUR

USAREUR PAM 27-5, LEADERS GUIDE TO NONPUNITIVE DISCIPLINARY  
MEASURES AND ADMINISTRATIVE PERSONNEL ACTIONS

#### **RELATED PUBLICATIONS**

UNIFORM CODE OF MILITARY JUSTICE, 10 USC 801-940

USAREUR REG 27-9, LEGAL SERVICES: MISCONDUCT BY CIVILIANS

AR 600-8-105 PERSONNEL-GENERAL: MILITARY ORDERS

DA PAM 27-7, LEGAL SERVICES: PROCEDURAL GUIDE FOR SUMMARY  
COURT-MARTIAL TRIAL PROCEDURE

#### **REQUIRED FORMS**

DD FORM 458, CHARGE SHEET

DD FORM 497, CONFINEMENT ORDER

DA FORM 2627, RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

DA FORM 2627-1, SUMMARIZED RECORD OF PROCEEDINGS UNDER ARTICLE  
15, UCMJ

DA FORM 3169-R, REPORT OF JUDICIAL DISCIPLINARY ACTIVITY IN THE  
ARMY

DA FORM 4430-R, REPORT OF RESULT OF TRIAL

DA FORM 4856-R, GENERAL COUNSELING FORM

DA FORM 5112-R, CHECKLIST FOR PRETRIAL CONFINEMENT

AE FORM 27-10B-R, ADVICE TO ACCUSED UPON CONFINEMENT

## APPENDIX B

### V CORPS AREA COURT-MARTIAL JURISDICTION

1. Paragraphs 2 and 3 align units for the administration of military justice within the V Corps area of jurisdiction. Those matters requiring the action of a court-martial convening authority are outlined in USAREUR Regulation 27-10, paragraph 12f. Special Court-Martial Convening Authorities exercise jurisdiction over Summary Court-Martial Convening Authorities listed below them. Summary Court-Martial Convening Authorities exercise jurisdiction over the units listed below them.

2. Each Special Court-Martial Convening Authority will periodically review the units within his/her jurisdiction and report changes through their servicing legal center to Headquarters, V Corps, ATTN: AETV-JA-MJ.

3. Any unit or soldier in the V Corps area jurisdiction not otherwise accounted for in this appendix will be aligned for the exercise of military justice under the Base Support Battalion Commander in whose community the unit or soldier is located.

**I. Special Court-Martial Convening Authority: V Corps Artillery.** The Commander, V Corps Artillery, is the Special Court-Martial Authority for all soldiers assigned to the units listed below.

**A. Summary Court-Martial Convening Authority: Special Troops Battalion, V Corps**

1. HHC, V Corps
2. 503<sup>rd</sup> Chemical Detachment
3. 3<sup>rd</sup> ATC Battalion, 58<sup>th</sup> Aviation, E Company Forward
4. A Company, 302<sup>nd</sup> Military Intelligence Battalion
5. HHB, V Corps Artillery

**II. Special Court-Martial Convening Authority: 26<sup>th</sup> Area Support Group.** The Commander, 26<sup>th</sup> Area Support Group, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below. Any unit or soldier in the jurisdictional area of the Heidelberg/Patton Law Center not accounted for in this memorandum will be under the jurisdiction of the Commander, 26<sup>th</sup> Area Support Group, as the Special Court-Martial Convening Authority and the Commander, 411<sup>th</sup> Base Support Battalion, as the Summary Court-Martial Convening Authority.

**A. Summary Court-Martial Convening Authority: 411<sup>th</sup> Base Support Battalion**

1. HHC, 26<sup>th</sup> Area Support Group
2. HHC, USAREUR & 7<sup>th</sup> Army
3. 529<sup>th</sup> Military Police Company

4. Detachment 4, 18<sup>th</sup> Military Intelligence Group
5. 60<sup>th</sup> Engineer Detachment
6. 527<sup>th</sup> Military Intelligence Detachment
7. U. S. Army Cryptologic Support Group
8. U. S. Army Contracting Command, Europe
9. HHC, 7<sup>th</sup> Army Reserve Command
10. Heidelberg Detachment, Region IV, 650<sup>th</sup> Military Intelligence
11. Joint Headquarters Centre, U.S. Army NATO

**B. Summary Court-Martial Convening Authority: 43<sup>rd</sup> Signal Battalion**

1. HHC, 43<sup>rd</sup> Signal Battalion
2. 181<sup>st</sup> Signal Company

**C. Summary Court-Martial Convening Authority: Army Materiel Command, Europe**

1. Army Materiel Command, Europe

**D. Summary Court-Martial Convening Authority: 202<sup>nd</sup> MP Group (CID)**

1. HHD, 202<sup>nd</sup> MP Group (CID)

**E. Summary Court-Martial Convening Authority: 1<sup>st</sup> Battalion, 214<sup>th</sup> Aviation Regiment**

1. A Company, 1<sup>st</sup> Battalion, 214<sup>th</sup> Aviation Regiment
2. B Company, 1<sup>st</sup> Battalion, 214<sup>th</sup> Aviation Regiment
3. C Company, 1<sup>st</sup> Battalion, 214<sup>th</sup> Aviation Regiment
4. D Company, 1<sup>st</sup> Battalion, 214<sup>th</sup> Aviation Regiment
5. Army Flight Operations Detachment

**III. Special Court-Martial Convening Authority: 1<sup>st</sup> Personnel Services Command.**  
 The Commander, 1<sup>st</sup> PERSCOM, is the Special Court-Martial Convening Authority and Summary Court-Martial Convening Authority for all soldiers assigned to the units listed below. The Commander, HHC, 1<sup>st</sup> PERSCOM, is the company grade Article 15 authority for the 412<sup>th</sup> Engineer Command Forward; 2<sup>nd</sup> Platoon, 127<sup>th</sup> Postal Company; U. S. Army Engineering and Housing Support Center, Detachment 1; and B Team, 249<sup>th</sup> Engineer Battalion (Prime Power).

1. HHC, 1<sup>st</sup> PERSCOM
2. USAREUR Band and Chorus
3. Detachment B, 510<sup>th</sup> Personnel Services Battalion
4. 412<sup>th</sup> Engineer Command Forward
5. B Team, 249<sup>th</sup> Engineer Battalion (Prime Power)

6. Detachment 1, U. S. Army Engineering and Housing Support Center

**IV. Special Court-Martial Convening Authority: 266<sup>th</sup> Finance Command.** The Commander, 266<sup>th</sup> Finance Command, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below.

**A. Summary Court-Martial Convening Authority: 208<sup>th</sup> Finance Battalion**

1. HHC, 266<sup>th</sup> Finance Command
2. HHC, 208<sup>th</sup> Finance Battalion
3. Detachment A, 208<sup>th</sup> Finance Battalion
4. Detachment B, 208<sup>th</sup> Finance Battalion

**V. Special Court-Martial Convening Authority: 30<sup>th</sup> Medical Brigade.** The Commander, 30<sup>th</sup> Medical Brigade, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below.

**A. Summary Court-Martial Convening Authority: 93<sup>rd</sup> Medical Battalion**

1. HHC, 30<sup>th</sup> Medical Brigade
2. HHD, 93<sup>rd</sup> Medical Battalion

**B. Summary Court-Martial Convening Authority: Heidelberg Dental Activity**

1. Heidelberg Dental Activity Special Troops

**C. Summary Court-Martial Convening Authority: Heidelberg Medical Activity**

1. HHC, Heidelberg Medical Activity

**D. Summary Court-Martial Convening Authority: 100<sup>th</sup> Medical Detachment (Veterinary Services)**

**VI. Special Court-Martial Convening Authority: 16<sup>th</sup> Corps Support Group.** The Commander, 16<sup>th</sup> Corps Support Group, is the Special Court-Martial Convening Authority for all soldiers assigned to units on Hutier and Grossauheim Kasernes, except for those units and soldiers within the Special Court-Martial jurisdictions of the 104<sup>th</sup> Area Support Group and the 130<sup>th</sup> Engineer Brigade.

**A. Summary Court-Martial Convening Authority: 18<sup>th</sup> Corps Support Battalion**

1. HHD, 18<sup>th</sup> Corps Support Battalion
2. 71<sup>st</sup> Ordnance Company
3. 69<sup>th</sup> Chemical Company

4. 77<sup>th</sup> Maintenance Detachment

**B. Summary Court-Martial Convening Authority: 485<sup>th</sup> Corps Support Battalion**

1. HHC, 16<sup>th</sup> Corps Support Group
2. HHD, 485<sup>th</sup> Corps Support Battalion
3. 26<sup>th</sup> Quartermaster Supply Company

**VII. Special Court-Martial Convening Authority: 130<sup>th</sup> Engineer Brigade.** The Commander, 130<sup>th</sup> Engineer Brigade, is the Special Court-Martial Convening Authority for all soldiers assigned to units on Underwood, Pioneer, and Grossauheim Kasernes, except for those units and soldiers within the Special Court-Martial jurisdictions of the 104<sup>th</sup> Area Support Group and the 16<sup>th</sup> Corps Support Group.

**A. Summary Court-Martial Convening Authority: 5<sup>th</sup> Battalion, 7<sup>th</sup> Air Defense Artillery**

1. HHB, 5-7<sup>th</sup> ADA
2. A Battery, 5-7<sup>th</sup> ADA
3. B Battery, 5-7<sup>th</sup> ADA
4. C Battery, 5-7<sup>th</sup> ADA
5. 19<sup>th</sup> Maintenance Company

**B. Summary Court-Martial Convening Authority: 39<sup>th</sup> Finance Battalion**

1. HHD, 39<sup>th</sup> Finance Battalion

**C. Summary Court-Martial Convening Authority: 565<sup>th</sup> Engineer Battalion**

1. HHC, 130<sup>th</sup> Engineer Brigade
2. 502<sup>nd</sup> Engineer Company
3. 38<sup>th</sup> Engineer Company
4. 320<sup>th</sup> Engineer Company (Topographic)
5. HHD, 565<sup>th</sup> Engineer Battalion

**VIII. Special Court-Martial Convening Authority: 104<sup>th</sup> Area Support Group.** The Commander, 104<sup>th</sup> Area Support Group, is the Special Court-Martial Convening Authority for all soldiers assigned to units on Yorkhoff, Old Argonner, New Argonner, Grossauheim, and Pioneer Kasernes and in the Offenbach area, except for those units and soldiers within the Special Court-Martial jurisdictions of the 130<sup>th</sup> Engineer Brigade and the 16<sup>th</sup> Corps Support Group. Any unit or soldier in the jurisdictional area of the Hanau Law Center not accounted for in this memorandum will be under the jurisdiction of the Commander, 104<sup>th</sup> Area Support Group, as the Special Court-Martial Convening Authority and the Commander, 414<sup>th</sup> Base Support Battalion, as the Summary Court-Martial Convening Authority.

**A. Summary Court-Martial Convening Authority: 414<sup>th</sup> Base Support Battalion**

1. HHC, 414<sup>th</sup> Base Support Battalion
2. U. S. Army Health Clinic, 209<sup>th</sup> General Dispensary
3. 66<sup>th</sup> Military Intelligence Detachment
4. 72<sup>nd</sup> Medical Detachment
5. Hanau Dental Clinic
6. Hanau Residency CID, 5<sup>th</sup> Military Police Battalion
7. 560<sup>th</sup> Customs MP Detachment (Hanau Field Office)
8. 133<sup>rd</sup> Preventive Medicine Detachment
9. HHC, 104<sup>th</sup> Area Support Group

**B. Summary Court-Martial Convening Authority: 55<sup>th</sup> Personnel Services Battalion**

1. Detachment A, 55<sup>th</sup> Personnel Services Battalion
2. HHD, 55<sup>th</sup> Personnel Services Battalion
3. HHC, 55<sup>th</sup> Postal Company
4. 1<sup>st</sup> Platoon, 55<sup>th</sup> Postal Company

**C. Summary Court-Martial Convening Authority: 102<sup>nd</sup> Signal Battalion**

1. HHD, 102<sup>nd</sup> Signal Battalion

**IX. Special Court-Martial Convening Authority: 41<sup>st</sup> Field Artillery Brigade.** The Commander, 41<sup>st</sup> Field Artillery Brigade, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below.

**A. Summary Court-Martial Convening Authority: 1<sup>st</sup> Battalion, 27<sup>th</sup> Field Artillery Regiment**

1. HHS, 1-27<sup>th</sup> Field Artillery
2. A Battery, 1-27<sup>th</sup> Field Artillery
3. B Battery, 1-27<sup>th</sup> Field Artillery
4. C Battery, 1-27<sup>th</sup> Field Artillery
5. HHB, 41<sup>st</sup> Field Artillery Brigade
6. D Battery, 5-7<sup>th</sup> Air Defense Artillery
7. E Battery, 5-7<sup>th</sup> Air Defense Artillery
8. U. S. Army Health Clinic – Babenhausen
9. 77<sup>th</sup> Maintenance Company
10. 71<sup>st</sup> Ordnance Detachment
11. Detachment A, 55<sup>th</sup> Personnel Services Battalion

**B. Summary Court-Martial Convening Authority: Armed Forces Network, Europe**

1. HHD, Armed Forces Network

**C. Summary Court-Martial Convening Authority: Northern European Veterinary Detachment**

1. Griesheim Veterinary Clinic

**X. Special Court-Martial Convening Authority: 66<sup>th</sup> Military Intelligence Group.** The Commander, 66<sup>th</sup> Military Intelligence Group, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below. Any unit or soldier in the jurisdictional area of the Darmstadt Law Center, to include soldiers in the areas of Berlin, Frankfurt, Rhein Main Air Force Base, Babenhausen, or Darmstadt not accounted for in this memorandum will be under the jurisdiction of the Commander, 66<sup>th</sup> Military Intelligence Group as the Special Court-Martial Convening Authority, and the Commander, 233<sup>rd</sup> Base Support Battalion as the Summary Court-Martial Convening Authority.

**A. Summary Court-Martial Convening Authority: 533<sup>rd</sup> Military Intelligence Battalion**

1. HSC, 533<sup>rd</sup> Military Intelligence Battalion
2. A Company, 533<sup>rd</sup> Military Intelligence Battalion
3. B Company, 533<sup>rd</sup> Military Intelligence Battalion
4. HHC, 66<sup>th</sup> Military Intelligence Group
5. Communications Platoon, 102<sup>nd</sup> Signal Battalion

**XI. Special Court-Martial Convening Authority: 22<sup>nd</sup> Signal Brigade.** The Commander, 22<sup>nd</sup> Signal Brigade, is the Special Court-Martial Convening Authority for all soldiers assigned to the units listed below.

**A. Summary Court-Martial Convening Authority: 32<sup>nd</sup> Signal Battalion**

1. HHC, 32<sup>nd</sup> Signal Battalion
2. A Company, 32<sup>nd</sup> Signal Battalion
3. B Company, 32<sup>nd</sup> Signal Battalion
4. C Company, 32<sup>nd</sup> Signal Battalion
5. D Company, 32<sup>nd</sup> Signal Battalion

**B. Summary Court-Martial Convening Authority: 440<sup>th</sup> Signal Battalion**

1. HHC, 22<sup>nd</sup> Signal Brigade
2. HHC, 440<sup>th</sup> Signal Battalion
3. A Company, 440<sup>th</sup> Signal Battalion

4. B Company, 440<sup>th</sup> Signal Battalion
5. C Company, 440<sup>th</sup> Signal Battalion
6. D Company, 440<sup>th</sup> Signal Battalion

**C. Summary Court-Martial Convening Authority: 165<sup>th</sup> Military Intelligence Battalion**

1. HHS, 165<sup>th</sup> Military Intelligence Battalion
2. D Company, 165<sup>th</sup> Military Intelligence Battalion
3. E Company, 51<sup>st</sup> Infantry Battalion
4. 596<sup>th</sup> Maintenance Company

**D. Summary Court-Martial Convening Authority: 233<sup>rd</sup> Base Support Battalion**

1. HHD, 233<sup>rd</sup> Base Support Battalion
  - 92<sup>nd</sup> Military Police Company
  - 2<sup>nd</sup> Platoon, 55<sup>th</sup> Postal Company
  - Stars and Stripes
  - Detachment A, 39<sup>th</sup> Finance Battalion
  - Detachment B, 55<sup>th</sup> Personnel Services Battalion, Forward
  - 560<sup>th</sup> Military Police Company
2. Darmstadt Health Clinic
3. Darmstadt Dental Clinic
4. 64<sup>th</sup> Replacement Detachment
5. 413<sup>th</sup> Signal Company
5. Defense Threat Reduction Agency

## APPENDIX C

FOR OFFICIAL USE ONLY (when filled in)

UNIT COMMANDER'S REQUEST FOR LEGAL ACTION DATE OF REQUEST:

TO: Staff Judge Advocate V Corps, (Hanau) (Darmstadt) (Heidelberg) Branch Office

ATTN: Military Justice Division

APO AE 09 \_\_\_\_\_

FROM:

LEGAL ACTION IS RECOMMENDED ON THE FOLLOWING SOLDIER:

Name \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ SSN \_\_\_\_\_

Rank \_\_\_\_\_ Unit Address \_\_\_\_\_

PEBD \_\_\_\_\_ BASD \_\_\_\_\_ DEROS \_\_\_\_\_ ETS \_\_\_\_\_ FLAGGED: Yes/No

Full Name & Phone of Unit Cdr Making Request \_\_\_\_\_

TYPE OF ACTION RECOMMENDED:

☐ Administrative Separation IAW AR 635-200, Chapter \_\_\_\_\_

☐ Article 15, UCMJ ☐ Summary ☐ Company Grade ☐ Field Grade

☐ Court-Martial ☐ Letter of Reprimand ☐ AR 15-6 Investigation

☐ Other \_\_\_\_\_

SUMMARIZE THE SOLDIER'S OFFENSE OR REASON FOR REQUESTED ACTION (include dates and description of the offenses):

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ATTACH ANY OF THE FOLLOWING DOCUMENTS, IF AVAILABLE, TO ASSIST THE MILITARY JUSTICE DIVISION IN COMPLETING THE ACTION:

Article 15s Chapter Actions

- DA Form 4856, Counseling Statements - 2A and 2-1
- Rights Warning Certificate - DA Form 4856, Counseling Statements
- Sworn Statements, if applicable - Medical Eval or Waiver
- MP Reports - Mental Eval for Chapters 5-13, 14 and 15
- Civilian/Military Correspondence - Rights Warning Certificate
- Tests and Evaluations - Civilian/Military Correspondence
- All Previous UCMJ Actions - Tests and Evaluations

***THIS REQUEST MAY BE RETURNED IF THE APPROPRIATE DOCUMENTATION IS NOT PROVIDED.***

UNIT COMMANDER'S SIGNATURE OFFICE SYMBOL DATE FORWARDED

FOR OFFICIAL USE ONLY (when filled in)

## **APPENDIX D**

### **PRETRIAL AND POST-TRIAL CONFINEMENT CHECKLISTS**

#### **1. PRETRIAL CONFINEMENT CHECKLIST**

- a. DA Form 5112-R (Checklist for Pretrial Confinement) completed by the commander in an original and one copy (AR 27-10).
- b. DD Form 497 (AE) (Confinement Order) completed by the commander in an original and two copies. The form must show name, grade, and position of the person ordering the pretrial confinement and the name and grade of the approving authority (V Corps GCMCA or V Corps SJA) on the reverse side of the form.
- c. AE Form 61 (Advice to the Accused Upon Confinement) completed by the advising counsel and signed by the counsel and the accused before confinement in an original and one copy.
- d. Statement of witnesses and military police and USACIDC reports, or other available evidence, establishing probable cause that the person to be confined committed an offense triable by court-martial and that confinement is required by the circumstances.
- e. A copy of DD Form 458 (Charge Sheet), if already prepared.
- f. All military clothing and equipment listed in the attached clothing inventory.
- g. Health and Dental Records.
- h. ID card and ID tags.
- i. A minimum of 14 days supply of personal hygiene items; i.e., shaving equipment, oral hygiene items, soap, etc.
- j. A completed personal property inventory signed by the accused and the commander or his designated representative as required by AR 190-47, and UR 190-47, in an original and one copy.

#### **2. POST-TRIAL CONFINEMENT CHECKLIST**

- a. Confinement Order (DD Form 497) (AE), original and three copies.
  - b. Report of Result of Trial (DA Form 4430-R) in an original and one copy.
  - c. Military Personnel Records Jacket (DA Form 201)
  - d. Medical and Dental Records.
  - e. Personal Property Inventory signed by an E-6 or above verified by the commander and the prisoner.
  - f. If the prisoner is married and spouse has accompanied him/her, a power of attorney to spouse or designated representative for handling his/her personal property, including authorization for receiving the items upon arrival in CONUS. If the prisoner has a POV, authorization must be given to the spouse or designated person to ship the POV and also to pick up the POV in CONUS.
  - g. All military organizational clothing and equipment listed in the attached inventory list (Initial issue plus some additional items).
  - h. Orders from MILPO reassigning the prisoner to USACF, Mannheim, Germany (AR 600-8-105).
  - i. ID card and ID tags.
  - j. If prisoner was kept in the PMO detention cell, then a release form from the MP's is required before departure for U.S. Army Correctional Facility-Mannheim (USACF-M).
- #### **3. ADDITIONAL ORGANIZATIONAL CLOTHING AND EQUIPMENT RECORD AND ESCORT REQUIREMENTS**

a. Prisoners must have the complete basic clothing issue as required by AR 700-84. Use DA Form 3645-1 (Clothing and Equipment Record) to inventory all military clothing. Units have five working days to make up shortages in clothing and equipment that does not accompany the prisoner.

b. Additional items required but not listed on the DA Form 3645-1 are as follows:

MALE FEMALE

Bag, Barracks 1 1

Drawers, Wool 2 2

Insignia, Branch of Service 1 1

Insignia, U.S. 1 1

Insignia, Hat 1

Undershirt, Wool 2 2

All Decorations and Awards 1 ea 1 ea

c. Valuables that the prisoner wishes to retain must fit inside a 12 x 16 inch envelope.

The senior escort will sign for and be responsible for delivering the valuables and inventory of valuables to the USACF-M at the time the prisoner is delivered. This inventory is in addition to the inventory for other personal property.

4. Escort Requirements. The prisoner's commander will provide at least two escorts with TDY orders to accompany the prisoner to USACF-M. One escort must be senior in rank to the prisoner, and one escort will be the same sex as the prisoner.

## APPENDIX E

### PRETRIAL CONFINEMENT PROCEDURES

1. **Purpose:** This appendix sets forth policies and procedures regarding pretrial confinement of persons subject to the court-martial jurisdiction of the Commander, V Corps.
2. A commander may order a soldier into pretrial confinement when there is probable cause to believe:
  - a. The soldier has committed an offense for which the soldier could be court-martialed and the offense would not normally be tried at summary court-martial and;
  - b. The soldier will likely not appear at a pretrial investigation of the charges under Article 32, UCMJ, or at trial, OR the soldier will likely engage in further serious criminal misconduct. ("Serious criminal misconduct" includes intimidation of witnesses or other obstruction of justice; serious injury to others; offenses threatening the safety of the community; offenses threatening morale, discipline, or unit readiness; or offenses threatening U.S. national security) and;
  - c. Less serious forms of restraint (such as pulling the soldier's pass privileges) have been considered and are determined inadequate.
3. If these criteria are met, any commander may order a member of his command into pretrial confinement, provided the commander completes the additional steps outlined in paras. 4 through 7, below.
4. Before ordering the soldier into pretrial confinement, the commander must:
  - a. Notify the Staff Judge Advocate or Acting Staff Judge Advocate, or his designee. The commander must obtain SJA concurrence that pretrial confinement is appropriate and justified by the circumstances.
  - b. Ensure that the soldier has an initial issue of clothing (checklist available at the Military Justice Division), DD Form 2 military identification card, health and dental records (including current shot record), and identification tags.
  - c. Ensure the soldier's personal and issued items left in the unit area are inventoried and secured. This inventory must be verified by a witness and, if possible, the soldier, and must accompany the soldier in confinement.
5. To order a soldier into pretrial confinement, a commander must complete DD Form 497, the confinement order.
6. Simultaneous with completing DD Form 497, or within 24 hours of placing the soldier in pretrial confinement, the commander must complete DA Form 5112-R, "Checklist for Pretrial Confinement." By completing and executing this form, the commander is certifying that the requirements for pretrial confinement stated in para. 2, above, are satisfied, and that continued pretrial confinement is appropriate. The servicing legal advisor will provide the commander with DD Form 497 (Confinement Order) and DA Form 5112-R (Checklist for Pretrial Confinement) and will assist the commander in completing the forms.
7. The commander will contact the U.S. Army Trial Defense Service to permit a judge advocate to promptly advise the soldier of the rights listed below. If a defense counsel, is not available or is unable (for conflict of interest reasons) to provide the soldier advice, the Military Justice Division will locate a defense counsel not involved in the

investigation or prosecution of the case and not serving as a military magistrate to properly advise the soldier of the following:

- a. The nature of the offenses for which the soldier is being placed in pretrial confinement.
- b. The soldier's right to remain silent, and that any statement he makes may be used against him.
- c. The soldier's right to request assignment of military defense counsel for the limited purpose of representing him only during pretrial confinement proceedings before charges are referred to court-martial. The soldier cannot select this military defense counsel.
- d. This military defense counsel must be made available within 72 hours of the soldier's request or before review of the soldier's pretrial confinement by a military magistrate, whichever occurs first.
- e. The soldier's right to hire civilian counsel at his own expense.

8. A military magistrate's hearing normally will take place before the soldier departs his unit for the Mannheim Confinement Facility. Different procedures are required, however, if the defense counsel is unavailable or unable to represent the soldier (see subpara. b, below).

- a. A local military magistrate, certified and appointed in accordance with AR 27-10, Chapter 9, if available, will review all documents and hear all evidence presented by the government and defense within 48 hours of the time the soldier is ordered into pretrial confinement. Defense counsel and accused may be present during this review. This local magistrate's hearing will normally take place on the day the soldier is ordered into pretrial confinement, if possible. The local military magistrate will determine whether the requirements for pretrial confinement stated in para. 2, above, have been met, as set forth in AR 27-10, para. 9-5, and will reduce his or her findings and decision to writing.

- b. If the Trial Defense Counsel is unable (e.g., due to conflict of interest reasons) to represent the soldier at the hearing, the local military magistrate will conduct a neutral and detached review of whether the requirements for pretrial confinement stated in para. 2, above, have been satisfied.

(1) The review will be reduced to writing as soon as practicable. The local military magistrate's memorandum will state that the magistrate has conducted only a neutral and detached review of the propriety of pretrial confinement within the required 48-hour period, and will further state that the local military magistrate has not conducted a military magistrate's review with counsel and accused present.

(2) Once this neutral and detached review is complete, the soldier will be transported to the Mannheim Confinement Facility where a military magistrate must conduct a hearing to review pretrial confinement like that described in para. 8a, above, within 7 days of the time the soldier is placed in pretrial confinement. The trial counsel detailed to the case is responsible for coordination with the Mannheim Confinement Facility to ensure that this military magistrate's hearing is conducted at the Mannheim Confinement Facility within the 7-day period.

9. If no local military magistrate is available or will be available within 48 hours of the time the soldier is ordered into pretrial confinement, the Staff Judge Advocate or Acting Staff Judge Advocate shall conduct a neutral and detached review of whether the requirements for pretrial confinement stated in para. 2, above, have been satisfied.

- a. The review will be reduced to writing as soon as practicable. The Staff Judge Advocate's or Acting Staff Judge Advocate's memorandum will state that the Staff Judge

Advocate or Acting Staff Judge Advocate has conducted only a neutral and detached review of the propriety of pretrial confinement within the required 48-hour period, and will further state that the Staff Judge Advocate or Acting Staff Judge Advocate has not conducted a military magistrate's review with counsel and accused present.

b. Once the Staff Judge Advocate's review is complete, the soldier will be transported to the Mannheim Confinement Facility where a military magistrate must conduct a hearing to review pretrial confinement like that described in para. 8, above, within 7 days of the time the soldier is placed in pretrial confinement. The trial counsel detailed to the case is responsible for coordination with the Mannheim Confinement Facility to ensure that this military magistrate's hearing is conducted at the Mannheim Confinement Facility within the 7-day period.

10. If the hearing before the local military magistrate described in para. 8a, above, or the neutral and detached review by a local military magistrate, the Staff Judge Advocate or the Acting Staff Judge Advocate described in paras. 8b and 9, above, cannot be held on the day the commander orders the soldier into pretrial confinement, the commander will coordinate with the local Provost Marshal's office to place the soldier in the military police detention cell for a period not to exceed 48 hours. Within that 48-hour period, either a local military magistrate must conduct a hearing as described in para. 8a above; or a local military magistrate, the Staff Judge Advocate, or the Acting Staff Judge Advocate must conduct a neutral and detached review, as described in paras. 8b and 9, above.

11. The soldier will be immediately transported to the Mannheim Confinement Facility as soon as (1) all of the steps described in paras. 4 through 7, are completed, and (2) the local magistrate's hearing or neutral and detached review described in paras. 8 and 9, is complete. A complete listing of required items, documents and records (including health and dental records, military clothing and equipment inventory, and personal property inventory), which must accompany the soldier to the Mannheim Confinement Facility, appears in Appendix D of this regulation. (Note, however, that AE Form 61 is no longer required.)

12. Strict compliance with these procedures is required to ensue pretrial confinement is valid.

13. The procedures described herein are not to be construed as granting an accused any right or privilege not otherwise existing through statute or regulation.

14. Any questions regarding the implementation of these procedures should be directed to the Military Justice Division, Office of the Staff Judge Advocate, DSN 370-5874 / 5873.

## APPENDIX F

### **TABLE OF PROCESSING GOALS: TIMES BY TYPE OF COURT-MARTIAL**

	<b><u>Allowable No. of Days</u></b>	<b><u>Total Days</u></b>
<b>1. <u>Summary Courts-Martial.</u></b>		
<b>a. Restraint or preferral (whichever is earlier) to referral</b>	3	3
<b>b. Referral to date of trial</b>	3	3
<b>c. Completion of trial to action by SCMCA</b>	7*	13
<b>d. Action by SCMCA to receipt of record by OSJA</b>	2	15

\* The accused is entitled to submit written matters to the SCMCA within 7 days after sentence is announced; accordingly, the SCMCA may take no action within this period unless the accused waives, in writing, the right to submit matters.

### **2. Special Courts-Martial (not empowered to adjudge a BCD).**

<b>a. Restraint or preferral (whichever is earlier) to referral</b>	5	5
<b>b. Referral to date of trial</b>	6	11
<b>c. Completion of trial to authenticated record of trial</b>	10	21
<b>d. Authentication of record to action by SPCMCA</b>	10*	31
<b>e. Action to publication of promulgating order</b>	2	33
<b>f. Publication to receipt of record by OSJA</b>	2	35

\* The accused is entitled to submit written matters to the SPCMCA within 10 days after being served with a copy of the authenticated record of trial. This period may, for good cause, be extended for an additional 20 days. The SPCMCA may take no action within the 10 day period or the additional 20 day period, if applicable, unless the accused waives, in writing, the right to submit matters.

### **3. Special Courts-Martial Empowered to adjudge a BCD.**

<b>a. Restraint or preferral to delivery of commander endorsement to SCMCA</b>	1	1
<b>b. SCMCA Endorsement to SPCMCA</b>	1	2
<b>c. SPCMCA Endorsement to OSJA</b>	3	5
<b>d. Referral by GCMCA</b>	7	12
<b>e. Service on Accused</b>	2	14
<b>f. Trial Date (Set by the Judiciary)</b>	--	--

**TABLE OF PROCESSING GOALS: TIMES BY TYPE OF COURTS-MARTIAL**  
**(CONTINUED)**

	<b><u>Allowable No. of Days</u></b>	<b><u>Total Days</u></b>
<b>3. <u>General Courts-Martial.</u></b>		
<b>a.</b> Restraint or preferral to SPCMCA appointment of Art. 32 investigating officer (IO)	4	4
<b>b.</b> Appointment of IO to Art. 32 hearing	6*	10
<b>c.</b> Art. 32 hearing to completion and submission of report to SPCMCA	7	17
<b>d.</b> SPCMCA endorsement to OSJA	6	23**
<b>e.</b> Referral by GCMCA	7	30
<b>f.</b> Service on Accused	2	32
<b>g.</b> Trial Date (Set by the Judiciary)	--	--

\* It is critical that the IO set an early hearing date.

\*\* Written requests for delay approved by the SPCMCA in writing may be deducted from the times indicated.

NOTE: The foregoing guidelines do not relieve commanders of the requirement of Article 33, UCMJ, that requires “(w)hen a person is held for trial by general court-martial the commanding officer shall, within eight days after the accused is ordered into arrest or pretrial confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction. If that is not practicable, he/she shall report in writing to that officer the reason for the delay.”